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Dkt. 70005 CCD

ON THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mitsuru NARUSE et al.

Serial No.: 10/661,083

Group Art Unit 1774

Filed : September 11, 2003

Examiner B.H. Hess

For : THERMAL RECORDING MATERIAL

COMMUNICATION UNDER 37 C.F.R. §1.8(b)

1185 Avenue of the Americas  
New York, N.Y. 10036  
May 9, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR :

This Communication, and attached copies of correspondence consisting of an Issue Fee Transmittal Form (PTOL-85B) and separate certificate of mailing, with a check for \$1,700.00 in payment of the issue and publication fees), originally mailed to the United States Patent and Trademark Office (USPTO) on September 19, 2005, are submitted pursuant to 37 C.F.R. §1.8(b). Applicants' undersigned attorney of record in the above-identified application became aware on May 8, 2006, that the USPTO has apparently not received this correspondence, when he was notified by his law firm's accounting department that the original check dated September 19, 2005, for the issue and publication fees for the subject application was still outstanding. Upon reviewing his return card file on that date, he determined that he had never

received the return card that accompanied the issue fee payment, and the public PAIR records for the application on the USPTO website also did not show payment of the issue fee.

This Communication, and its attachments, are submitted in satisfaction of the requirements of §1.8(b)(1), (2) and (3), viz.:

**(1)** Pursuant to 37 C.F.R. §1.8(b)(1), I, the undersigned attorney of record in the above-identified application, hereby inform the USPTO that an issue and publication fee check for \$1,700.00, an accompanying Form PTOL-85B and a certificate of mailing were mailed to the USPTO on September 19, 2005, in accordance with 37 C.F.R. §1.8(a), together with a return card. The Certificate of Mailing under 37 C.F.R. §1.8(a) was signed and dated by me. On May 8, 2006, the head of my law firm's accounting department advised me that, in the course of a periodic review of checks drawn on the firm's account, she had just discovered that the latter check was still outstanding. This was the first time that I became aware that the USPTO might not have received the check and accompanying papers. I immediately examined my card file of return cards and determined that the return card for the issue and publication fee payment had not been received back from the USPTO. In addition, I ascertained that there was no entry showing payment of the issue and publication fees on the USPTO public PAIR website (Transaction Data and Image File Wrapper).

**(2)** Pursuant to 37 C.F.R. §1.8(b)(2), attached and submitted as EXHIBIT 1 hereto is an additional copy of the previously mailed correspondence, i.e., the aforesaid Form PTOL-85B and Certificate of Mailing. The copy of Form PTOL-85B is a photocopy of the actual signed form sent by mail to the USPTO on September 19, 2005. The copy of the Certificate of Mailing is a photocopy of my conformed file copy of the Certificate mailed to the USPTO on

September 19, 2005, and differs from the Certificate thus mailed to the USPTO only in that my signature is represented by "s/." Also submitted herewith is a new fee check for the aforementioned issue and publication fees of \$1,700.00.

**(3)** Pursuant to 37 C.F.R. §1.8(b)(3), I hereby state that I personally signed and dated the Certificate of Mailing (under 37 C.F.R. §1.8(a)) which was mailed to the USPTO on September 19, 2005, with the aforementioned Form PTOL-85B and the original issue and publication fee check as aforesaid; that in doing so, I had a reasonable basis to expect that the correspondence would be mailed on the date indicated, because, as is my invariable practice, after signing the aforementioned Form PTOL-85B, the Certificate of Mailing and the fee check in my office, I personally assembled them in a clip with the return card, hand-carried them to my law firm's mail room before the end of the business day on September 19, 2005, and, in the mail room, personally deposited them in the box dedicated to correspondence to be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, with knowledge that the regular practice of mail room employees of the firm, at the end of each business day, is to make a photocopy record of each item of correspondence in that box, place the correspondence in an envelope bearing the above address of the Commissioner for Patents, seal the envelope and apply thereto a sufficient amount of first-class postage, and deposit the envelope as first class mail in a facility of the United States Postal Service on the same day. Attached as EXHIBIT 2 hereto is a photocopy of the aforesaid mail room's record photocopy of the correspondence in question and the envelope in which it was placed with metered postage affixed.

**(4)** I hereby state further that I have never received any Notice of Abandonment or other communication from the USPTO

advising or indicating that the above-identified application has become abandoned for nonpayment of the issue and publication fees, or otherwise indicating that those fees have not been paid.

Applicants therefore courteously request that the enclosed issue and publication fee check and the accompanying Form PTOL-85B be accepted as timely filed, and that a patent be granted on the above-identified application. If any additional fee is due, please charge such fee to deposit account No. 03-3125.

Respectfully,

*Christopher C. Dunham*  
Christopher C. Dunham  
Reg. No. 22,031  
Attorney for Applicants  
Tel. (212) 278-0400

I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Christopher C. Dunham*  
Christopher C. Dunham  
Reg. No. 22,031 Date MAY 9, 2006



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mitsuru NARUSE et al.  
Serial No.: 10/661,083 Group Art Unit 1774  
Filed : September 11, 2003 Examiner: Bruce H. Hess  
For : THERMAL RECORDING MATERIAL

CERTIFICATE OF MAILING

1185 Avenue of the Americas  
New York, N.Y. 10036  
September 19, 2005

Commissioner for Patents  
P.O. Box 1450,  
Arlington, VA 22313-1450

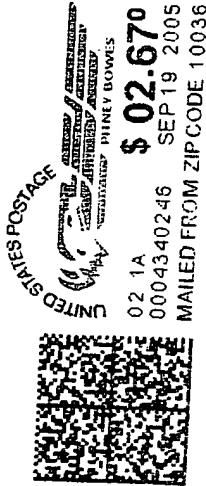
S I R:

I hereby certify that this correspondence (issue fee, with transmittal form) is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on SEPTEMBER 19, 2005.

Respectfully,

S/  
Christopher C. Dunham  
Reg. No. 22,031  
Attorney for Applicants  
(212) 278-0400

FROM  
COOPER & DUNHAM LLP  
185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036



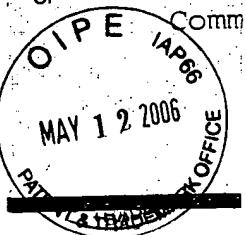
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Alexandria, VA 22313-1450

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PAY  
TO THE  
ORDER  
OF



Applicant M. Naruse et al.  
Client 2271 Ricoh Company., Inc. File No. 70005 Atty. CCD  
Date September 19, 2005  
Kindly acknowledge receipt of the accompanying

P 65655  
AMOUNT  
\$1,700.00

ISSUE and Publication Fees check for \$1,700 due 09/29/05  
w/Form -PTOL-85B w/cert. of mailing  
SN 10/661,083- filed Sept. 11, 2003  
**THERMAL RECORDING MATERIAL**  
Group Art Unit 1774 - Examiner Bruce H. HESS

by placing your receiving date stamp hereon and returning to us.

1100 Avenue of the Americas  
New York, N.Y. 10036  
September 19, 2005

Commissioner for Patents  
P.O. Box 1450,  
Arlington, VA 22313-1450

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Respectfully,

*Christopher C. Dunham*  
Christopher C. Dunham  
Reg. No. 22,031  
Attorney for Applicants  
(212) 278-0400